

Introduced by Senator McGuire

February 18, 2016

An act to amend Section 6503.6 of, and to add Section 6503.8 to, the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 1266, as introduced, McGuire. Joint Exercise of Powers Act: agreements: filings.

The Joint Exercise of Powers Act generally authorizes 2 or more public agencies, by agreement, to jointly exercise any common power, which is generally termed a joint powers agreement. When a joint powers agreement provides for the creation of an agency or entity, separate from the parties to the agreement and responsible for its administration, existing law requires that agency or entity to cause a notice of the agreement or amendment to be prepared and filed, as specified, with the Secretary of State. Existing law requires an agency or entity that files a notice of agreement or amendment with the Secretary of State to also file a copy of the original joint powers agreement, and any amendments to the agreement, with the Controller.

This bill would require an agency or entity required to file documents with the Controller, as described above, that includes a member that is a local agency and is a joint powers authority or joint powers agency, to also file a copy of the agreement or amendment with the local agency formation commission in each of the counties in each county within which all or any part a local agency member's territory is located within 90 days after the effective date of the agreement or amendment. The bill would also require a separate agency or entity that is a joint powers authority or joint powers agency and was constituted pursuant to a joint powers agreement that includes as a member a local agency and was

entered into prior to January 1, 2017, and is responsible for the administration of the agreement, to file a copy of the agreement with the local agency formation commission in each of the counties in each county within which all or any part a local agency member's territory is located no later than July 1, 2017. The bill would define the terms "local agency," "joint powers authority," and "joint powers agency" by reference to specified statutes for these purposes.

By requiring specified joint powers agencies to file certain documents with a local agency formation commission, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6503.6 of the Government Code is
2 amended to read:

3 6503.6. ~~Whenever~~ *When* an agency or entity files a notice of
4 agreement or amendment with the office of the Secretary of State
5 pursuant to Section 6503.5, the agency or entity shall file a copy
6 of the full text of the original joint powers agreement, and any
7 amendments to the agreement, with the Controller. *If the agency*
8 *or entity includes a member that is a local agency, as defined in*
9 *Section 56054, and is a joint powers authority or joint powers*
10 *agency, as defined in Section 56047.7, the agency or entity shall,*
11 *within 90 days after the effective date of the agreement or*
12 *amendment, file a copy of the agreement or amendment with the*
13 *local agency formation commission in each county within which*
14 *all or any part a local agency member's territory is located.*

15 SEC. 2. Section 6503.8 is added to the Government Code, to
16 read:

17 6503.8. No later than July 1, 2017, a separate agency or entity
18 that is a joint powers authority or joint powers agency, as defined

1 in Section 56047.7, and was constituted pursuant to a joint powers
2 agreement that includes as a member a local agency, as defined in
3 Section 56054, and was entered into prior to January 1, 2017, shall,
4 as the agency responsible for the administration of the agreement,
5 cause a copy of the agreement and any amendments to the
6 agreement to be filed with the local agency formation commission
7 in each affected county.

8 SEC. 3. If the Commission on State Mandates determines that
9 this act contains costs mandated by the state, reimbursement to
10 local agencies and school districts for those costs shall be made
11 pursuant to Part 7 (commencing with Section 17500) of Division
12 4 of Title 2 of the Government Code.